

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
C.B. KIRSCHNER
3 Assistant Federal Public Defender
4 Pennsylvania State Bar No. 92998
411 E. Bonneville, Ste. 250
5 Las Vegas, Nevada 89101
(702) 388-6577
6 (702) 388-5819 (fax)
7 CB_Kirschner@fd.org

8 Attorney for Danny Young

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 DANNY YOUNG,

12 Petitioner,

13 v.

14 BRIAN WILLIAMS, WARDEN, et al.,

15 Respondents.

Case No. 2:12-cv-00524-RFB-NJK

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
REPLY TO ANSWER**

(Fourth Request)

16
17 Petitioner, Danny Young, by and through counsel, C.B. Kirschner, Assistant
18 Federal Public Defender, moves this Court for an extension of time of thirty-one (31)
19 days from May 26, 2017, to and including June 26, 2017, to file a Reply to
20 Respondents' Answer to the Amended Petition for Writ of Habeas Corpus. This
21 motion is based upon the attached points and authorities and all pleadings and
22 papers on file herein.
23

24 ///

25 ///

26

POINTS AND AUTHORITIES

1. Danny Young filed his pro se Petition for a Writ of Habeas Corpus on March 20, 2012. ECF No. 1-1. On April 1, 2015, Mr. Young, through counsel, filed an Amended Petition. ECF No. 23. Respondents filed an Answer to the Amended Petition on October 11, 2016. ECF No. 50. Mr. Young's Reply to Respondents' Answer is currently due May 26, 2017. Mr. Young now requests an additional thirty-one (31) days to file his Reply, until June 26, 2017.¹ This is the fourth request for an extension of time.

2. The additional period of time is necessary in order to effectively represent Mr. Young. This motion is filed in the interests of justice and not for the purposes of unnecessary delay.

3. In addition to undersigned counsel's normal caseload, a time-critical matter unexpectedly arose in another habeas case, *Melonie Sheppard v. Jo Gentry*, state case number CR03-0502B, federal case number 3:14-cv-00059-MMD-VPC. On April 12, 2017, the state district court issued a final order on a post-conviction petition. Counsel was up against a 30-day immovable deadline to resolve this matter, which required extensive negotiations with the State, arrangements with the court, a trip to the state correctional facility to meet with client, and a two-day trip to Reno for a hearing at the Washoe County Courthouse.

4. Counsel was also out of the office attending a pre-paid CLE seminar on May 4th and May 5th. Counsel will again be flying to Reno from June 3rd to June 5th to meet three clients at two different correctional facilities. And counsel is preparing for an argument before the Ninth Circuit in San Francisco on June 15, 2017.

¹ A thirty-day request would result in the reply being due on a Sunday.

1 5. On May 24, 2017, Chief Deputy Attorney General Heidi Stern was
2 contacted via email and stated that she did not object to the extension, but the lack
3 of objection should not be construed as a waiver of any issues or defenses.


4 6. For the above stated reasons, Petitioner respectfully requests this
5 Court grant the request for an extension of time of thirty-one (31) days and order
6 the Reply to be filed on or before June 26, 2017.

7
8 Dated this 25th day of May, 2017.

9 Respectfully submitted,
10 RENE L. VALLADARES
11 Federal Public Defender

12 /s/ C.B. Kirschner
13 C.B. KIRSCHNER
14 Assistant Federal Public Defender

15
16 IT IS SO ORDERED:

17
18 
19 _____
20 RICHARD F. BOULWARE, II
21 United States District Judge
22 DATED: May 26, 2017.
23
24
25
26

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Heidi Stern

Danny Andrew Young
#32930
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070

/s/ Adam Dunn
An Employee of the
Federal Public Defender